Mr. SPEAKER.—The Hon'ble the Leader of the Opposition has made some remarks the implication or relevancy of which I am not able to appreciate.

Sri H. SIDDAVEERAPPA.—I see these people running hither and thither and drawing inspiration from the Secretaries.

Mr. SPEAKER.—The hon'ble Member Srl Siddaveerappa thinks that it is improper for a Minister to talk to his Secretary and get information.

Sri H. SIDDAVEERAPPA.—It is perfectly in order in his chambers but not in this House.

Mr. SPEAKER.—Does the hon'ble Member seriously press that a Minister should not get any information here ?

Sri H. SIDDAVEERAPPA.—I should not be understood as meaning that Secretaries have no place. I have the greatest respect for them, but consultation must be not here but in their chambers.

Sri S. R. KANTHI.—There is nothing very extraordinary, it is a very common thing.

Mr. SPEAKER.—As I understand it, the Secretaries sit there with a view to minimise the wastage of time in the House. If a point is crucially wanted, they are there to help the Ministers. This is the position not only in this Legislature but everywhere.

Sri B. P. KADAM (Karwar).—The Secretaries have no right to talk; they can at the most send something in writing and that too to the minimum. This is not Secretaries' or Ministers' chamber.

NON-OFFICIAL RESOLUTION *re :* DISAPPROVING THE KARNATAK UNIVERSITY (AMENDMENT) ORDINANCE, 1967 AND THE KARNATAKA UNIVERSITY (AMENDMENT) BILL, 1967.

Motion to Consider

Sri S. R. KANTHI (Minister for Law).—On behalf of the hon'ble Minister for Education, Sir, I beg to move :

"That the Karnatak University (Amendment) Bill, 1967 be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Karnatak University (Amendment) Bill, 1967 be taken into consideration."

Sri S. S. SHETTAR (Hubli).—Sir, I rise to a Point of Order.

Sri H. SIDDAVEERAPPA.—Sir, under rule 122 of the rules of Procedure and Conduct of Business.....

Mr. SPEAKER.—There is a Point of Order raised by Sri Shettar !

Sri S. S. SHETTAR.—I am sorry ; I withdraw that Point of Order.

Sri H. SIDDAVEERAPPA.—Sir, under Rule 122 of the Rules of Procedure, I beg to move :

> "That this House disapproves the Karnatak University (Amendment) Ordinance, 1967 (Mysore Ordinance No. 5 of 1957)".

Mr. SPEAKER.—I am admitting this motion only on condition that it is going to be discussed along with the Bill itself. Otherwise the hon'ble members will please note that three days notice comes in. Motion moved :

> "That this House disapproves the Karnatak University (Amendment) Ordinance, 1967 (Mysore Ordinance No. 5 of 1967)"

†Sri S. R. KANTHI.—Sir, this amending Bill was a necessity and the Goverment was compelled by the peculiar circumstances to pass an Ordinance. The peculiarities of the case were that Dr. Pavate, who is the present Governor of Punjab, had been appointed as the Governor-designate and he had to leave the State as early as possible to take charge of the Governorship of Punjab. So, there was a vacancy. A question arose whether that vacancy was of a temporary character or of a permanent character. Such a situation had also arisen in the Bangalore University when one of the Vice-Chancellors died.

(MR. DEPUTY SPEAKER in the Chair)

At that time, we consulted the Law Department and also the Advocate-General about the legal opinion, and it was thought that the provisions of the Act provided only for temporary vacancies and not vacancies of a permanent character. When death occurs or a Vice-Chancellor resigns, the vacancy is not of a temporary character, but of a permanent character. This being so, we looked into the entire Act of the Karnatak University and we found that there was no provision made to meet such a contingency. There was urgent need to elect the Vice-Chancellor and there was the elaborate procedure of electing the Vice-Chancellor. So, Sir, in order to avoid delay, we felt that such an Ordinance should be issued by the Governor, as it was absolutely necessary to make provision for a vacancy of a permanent character. This Bill replaces the Ordinance that was issued by the Governor. It only provides for the appointment temporarily of a Vice-Chancellor until a permanent Vice-Chancellor is elected. Both in the Karnatak University Act and in the Bangalore University Act, there was a lacuna. In the Mysore University Act there is no such lacuna, because the Government has the power, whether the vacancyis of a temporary character or of a permanent character, to appoint a Vice-Chancellor for a period not exceeding three years. Here, there is no such provision whatsoever. The election takes place in the Karnatak

University area and the election of a Vice-Chancellor is for a period of three years. That is why it was felt that this is quite necessary and the Ordinance was issued in order to facilitate the election of the Vice-Chancellor of the Karnatak University area and replace it by the present Ordinance. Hence, the present Bill is in replacement of the Ordinance that has been promulgated.

SRI H. SIDDAVEERAPPA.—Sir, I have already moved a motion with regard to this Ordinance. This Bill proposes to replace that Ordinance. It will be seen that this power of issuing an Ordinance has been very freely, if I may say so, lavishingly used during this period. This Assembly got adjourned on 5th August. Within this period, a series of Ordinances are issued and this is one among them. Sir, I am sure, the Hon'ble Minister for Parliamentary Affairs is well aware that the power of issuing ordinances is an extraordinary power that is vested in the Governor to meet an emergency, but not in a way in which it has now been used. It should be used in extreme cases where the Legislature is not in Session, this power could as well be used with a view to meet an emergency. Now, let us consider what has happened. You are well aware as the Deputy Speaker of this House that the House was not prorogued at that time; the House was adjourned, if I remember correct, on 5th of August. If really the Government felt that there was a need for a legislation of this nature, they ought not to have taken the trouble of getting the adjourned House prorogued. Government have the power to introduce this Ordinance which has created a lot of bitterness, a lot of confusion and a sort of dictatorial power, if I may say so, has been used in this case. We know how the elections were conducted and how, particularly this Hon'ble Minister, was very much interested in getting his nominee elected. So far as the individual who is now elected is concerned, I am not going to say anything against him, because I know Sri Adke well. He is a gentleman. But, I am very much concerned about the way in which these Ministers trotted from place to place and used their influence to get the person elected and introducing a lot of bitterness and feud, if I may use that word. Dr. Pavate toiled hard for nearly twelve years to build up the edifice. I don't think any of these gentlemen on the treasury benches have anything like that to their credit. So long as he was there, the University achieved a national importance and sometimes even international reputation. Then, politics was introduced by these friends by making use of the power they have under this Ordinance. While so doing, we know in what way canvassing went on and how the fair name of the University is spoiled.

There is one other point. The period of the present Senate and the Syndicate is not three years. Now, according to this amended Bill, the University Vice-Chancellor gets elected for three years. While the position will be, say, after one year the period of the present Syndicate and Senate expires, a new Syndicate or the Senate that come up after elections, will not have any power or any voice to elect the

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Vice-Chancellor of their choice. Therefore, the period of the Vice-Chancellor, the Senate and the Syndicate were co-existing and they were there for three years. When such was the position, there was no need to introduce an Ordinance and bring in politics there and politics, if I may say so, of a very vile order.

3-00 P.M.

They have not done in the interest of the University. Therefore, the power of issuing ordinance is abused. They could have called for the Assembly if they really thought it was necessary. But they issued ordinance and got what they wanted. I protest that this is not the way that the ordinance should be used. For their acts of omissions and commissions, they want to have protection. Therefore I oppose this measure, and move my resolution.

MR. DEPUTY SPEAKER.—The House will now rise for half-an-hour.

The House rose at Three of the Clock to re-assemble at Thirty Minutes past Three of the Clock.

The House re-assembled at Thirty-five Minutes past Three of the Clock.

(MR. DEPUTY SPEAKER in the Chair)

†SRI L. SRIKANTIAH.—Mr. Speaker Sir, I have closely followed the Amending Bill introduced by the Hon'ble Minister for Law. But I fail to understand the exact purpose which this amending Bill is going to serve for the present.

To make my position clear, let me read section 10 as it is :

"10 (3): Where any temporary vacancy in the Office of the Vice-Chancellor occurs by reason of leave, illness or other causes....."

I would underline the words 'other causes' for my purpose.

"..... the Syndicate shall, as soon as possible, subject to the approval of the Chancellor, make such arrangements for carrying on the duties of the office of the Vice-Chancellor as it may think fit. Until such arrangements are made, the Dean nominated by the Chancellor for that purpose shall carry on the current duties of the Vice-Chancellor."

The Statement of Objects and Reasons reads :

"While sub-section (3) of Section 10 of the Karnatak University Act 1949, provides for carrying on the duties of the office

of the Vice-Chancellor when a temporary vacancy in the said office occurs by reason of leave, illness or other causes, there is no provision in the Act to appoint a temporary Vice-Chancellor when a vacancy occurs by reason of the expiry of the term of office or resignation or death or otherwise. Under section 10 of the Act considerable time would be required for observing the formalities of appointing a Vice-Chancellor in the Vacancy. The office of the Vice-Chancellor could not be left Vacant and there was no provision for appointment of a temporary Vice-Chancellor till a permanent Vice-Chancellor was appointed It was necessary therefore to make provision for appointment of Temporary Vice-Chancellor urgently."

Now the amending Bill would be appropriate if clause (3) of Section 10 would not by itself be exhaustive. Let us assume for the sake of argument that there is a temporary vacancy. Immediately, the next sentence comes into operation. As soon as there is a temporary vacancy either by leave or illness or "other causes", the provision..... "the Syndicate shall.....make such arrangements for carrying on the duties of the office of the Vice-Chancellor as it may think fit" comes into operation. I shall stress my point regarding "other causes" later on. Then, pending "such arrangements" as are made by the Syndicate, which is to be in due course of time, "the Dean nominated by the Chancellor for that purpose shall carry on the current duties of the Vice-Chancellor." Now Dr. Adke is the Vice-Chancellor of the Karnatak University. In the meanwhile, Dr. Siddappa was acting as the Vice-Chancellor. For all purposes, Dr. Siddappa was the temporary Vice-Chancellor. Before that Dr. Siddappa was the Dean and Sri Wodeyar was the acting Vice-Chancellor. Now the hon'ble Law Minister has been saying that there is no provision in the existing Act for the appointment of a temporary Vice-Chancellor in an emergency. My view of the matter is different: there is provision for it under clause (3) of Section 10. When Dr. Pavate left the University, it was not either due to leave or illness; it was for "other causes." It comes under "other causes." Here, this vacancy occurred because Dr. Pavate left as Governor of the Punjab. Now, there is a temporary vacancy. I do not understand the subtle distinction between "temporary vacancy" as defined in the amending Section and any vacancy other than a temporary vacancy. Can there be two kinds of temporary vacancies because temporary vacancy is not defined in the original Act? There can be one kind of vacancy. Assuming for the sake of argument that Dr. Pavate has left, immediately the Chancellor can appoint the Dean to act as the Vice-Chancellor in the meanwhile. Next, the Act itself confers powers on the Syndicate to make "such arrangements for carrying on the duties of the office of the Vice-Chancellor" until a new man comes. Therefore, what is the purpose in introducing in the Bill an additional clause for appointing a temporary Vice-Chancellor pending election of the permanent Vice-Chancellor? I do not see any reason at all for it in the amending Bill unless it be, in the meanwhile to appoint

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some person of his own choice and take the credit for it and that man appointed also can proclaim himself that "I have the luck and happy chance of being called Ex-Vice-Chancellor of the University." The Act itself is exhaustive. When clause (3) of Section 10 provides a possibility for appointing a temporary Vic -Chancellor pending the election of a permanent Vice-Chancellor, I do not know why a separate species called "temporary Vice-Chancellor" in addition to the one provided in clause (3), be created by the Legislature. Let us read the amending sub-section 3A once again which is introduced. It reads thus :

> "Where any vacancy, other than a temporary vacancy, in the office of the Vice-Chancellor occurs by reason of expiry of his term of office, or his resignation, or death, or otherwise, such person as the Chancellor may appoint shall act as the Vice-Chancellor until the date on which a new Vice-Chancellor elected in accordance with the provisions of sub-section (1) to fill such vacancy enters upon his office....."

Let us note carefully that sub-section (3) of the original Section is not amended. This 3A is an additional sub-section. There are two clauses remaining in the original Section. And this is an additional clause. In addition to sub-section (3), you are creating a new sub-section 3A for the appointment of a temporary Vice-Chancel or. Sub section (3) of Section 10 remains not repealed in spite of the fact that under 3A the Chancellor is going to appoint a temporary Vice-Chancellor. Certainly the Syndicate can also act under sub-section (3) of Section 10. There is going to be conflict between sub-section (3) and 3A of the amending Bill and this is for the consideration of the hon'ble Minister.

With this, I oppose this amendment. Sub-section (3) is substantially comprehensive and there is no need to bring forth this amending Bill.

SRI S. D. KOTHAVALE.—Mr. Speaker Sir, I heard with respect and attention the observations made by my friend Prof. Srikantiah. I beg to differ from him. The interpretation that he seeks to put on sub-section (3), I submit, is not correct. Temporary vacancy, for which provision is made in sub-section (3), relates to the vacancy that may arise when the permanent occupant of the post of Vice-Chancellor goes out on tour or falls sick for a temporary period. After that period, however, he is expected to resume his duties again. That is, what may be called a temporary vacancy or absence. Here, the vacancy contemplated by the proposed amending sub-section 3A is of a permanent nature. When a Vice-Chancellor dies, there is no question of his return. When a Vice-Chancellor resigns, he is not expected to join duty once again. Some such cases are contemplated in sub-section 3A; the vacancy that arises and that is contemplated is of a permanent nature. Sub-section (3) contemplates vacancy of a temporary nature lasting for 15 days or

a month or two. It appears when the Vice-Chancellor of the Karnatak University went on tour, the absence was only of two or three months. After the completion of the tour, the Vice-Chancellor was expected to join the duties of the Vice-Chancellor. When there was temporary absence, during that period Dr. Siddappa was officiating as Vice-Chancellor under the provisions of sub-section (3).

Sri L. SRIKANTIAH (Nanjangud).—Shall we say that under sub-section (3), the Syndicate cannot act even when the Vice-Chancellor is outside the country?

Sri S. D. KOTHAVALE.—Supposing for some purpose, he goes on leave for a period of two or three months, it is a temporary vacancy. Temporary means for the time being. In that period, he ceases to discharge the duties of the Vice-Chancellor. That is all.

Sri L. SRIKANTAIAH.—Supposing there is resignation. Under sub-section (3), cannot the Syndicate make arrangements?

Sri S. D. KOTHAVALE.—No. When the Vice-Chancellor resigns, the vacancy is permanent. It is not a temporary vacancy. In a temporary vacancy, after the lapse of the brief period, the original incumbent returns to duty, and there is no question of fresh election of the Vice-Chancellor; that is not contemplated when a temporary vacancy arises; that is the meaning of the word "temporary." "Permanent" means, the original occupant is not expected to return. And that is why, the Hon'ble Minister has used the words "Where any vacancy, other than a temporary vacancy" in sub-section 3A and vacancy occurring "by reason of leave, illness or other cause."

Sri L. SRIKANTIAH.—So, under sub-clause (3), the Syndicate cannot act when there is a vacancy consequent upon the resignation of a Vice-Chancellor?

Sri S. D. KOTHAVALE.—The Syndicate is expected to act only when the vacancy is temporary; in the sense that after the lapse of that temporary period, the original occupant comes back and resumes his duties. Therefore, permanent means a vacancy occurring when a person dies, or resigns as Dr. Pavate did when he was appointed Governor.

Sri S. R. KANTHI.—Hon'ble Sri Srikantiah is confused about the nature of the vacancy. In fact there is no vacancy at all because the Vice-Chancellor on account of illness or on account of having gone to foreign country or taking leave, there is a temporary vacancy. In fact in this vacancy this acting Vice-Chancellor is still there. The post is of a permanent nature. If the man holding the post has not quit the vacancy, the vacancy becomes temporary because the incumbent is on tour in the foreign countries. If there is resignation, then the entire post becomes vacant and if there is death the entire post is vacant. This has been examined by the Law Department and also by the Advocate General. If the post falls vacant by reason of leave, illness or on tour under sub-section 3 of Section 10, it should be taken as only

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a temporary vacancy or a temporary absence. The man who was holding that post may resume his duty after that temporary period of absence on account of illness, tour, leave, etc. If the post falls vacant on account of these reasons, it is called a temporary vacancy.

SRI M. S. KRISHNAN.—Has the Syndicate no power to fill up the temporary vacancy ?

SRI S. D. KOTHAVALE.—Under the circumstances which are likely to arise under sub-section 3, the Syndicate will have no power to act as indicated under the sub-section. But the present amendment seeks to provide altogether a different thing. There is no provision in the Karnatak University Act for creating a machinery for carrying on the administration till the new Vice-Chancellor is elected. The present amendment is intended to fill in the gap. What Mr. Siddaveerappa said is not relevant to this. It is interesting to note that this ordinance was issued on the 9th September, nearly one month after the House was prorogued. It is wrong to say that the Assembly was prorogued for the purpose of issuing this ordinance. The ordinance was issued one month later. Though the power of issuing ordinance has come down from British days. The framers of the Constitution have accepted it and they have given reasons for the same. There are many members in this House who were the members of the Constituent Assembly. They know the Constitution has provided for ordinance making. These ordinances are intended to meet the emergent situatiions. The only question to be considered by this House is whether there was any emergency for issuing the ordinance in question. Nobody contemplated probably, when the Assembly was prorogued on the 9th September, that Dr. Pavate would be selected by the President for the purpose of being appointed as Governor of Punjab. That was altogether an unforeseen thing. The situation arose and arrangements had to be made to look after the administration of the University. Therefore this Bill is meant to replace the ordinance. Amendment of Section 10 is very clear. It will create a machinery for filling the gap. The Senate will have the power of appointing a new Vice-Chancellor elected in accordance with the provisions of Sub-Section (1) to fill such vacancy. Therefore, all that was said by Mr. Siddaveerappa is rather not correct but irrelevant. He made reference to Hon'ble Minister for Law that he took interest in the election of the new Vice-Chancellor Dr. Adke. I am not concerned whether Dr. Adke was elected or Mr. Siddappa was elected. The only point is that any member of this House is not prevented from participating in the elections of any University. There is a recent judgement of the Supreme Court on a writ petition filed by somebody against the election of the President. The Prime Minister took interest in the election. The decision of the Supreme Court is that every member has a right to canvass for his candidate. Therefore there is nothing wrong in it.

The Supreme Court held that no less a person than the Prime Minister could canvass in the election of President in respect of a candidate of her choice. When that is the case, why a Minister is not competent to do it? There is no force in the argument of Sri Siddaveerappa and there is no truth in it. Therefore one should talk with some responsibility and consider what to say and what not to say. He did not allege that the Law Minister has taken undue advantage of his position and participated in the election. Is it simply because he is a Minister that he should not participate in the election? He has every right to canvass for any candidate of his choice. Therefore the allegation of Mr. Siddaveerappa does not stand to reason.

4-00 P.M.

† ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ (ಬೆಂಗಳೂರು ಕೋಟೆ).—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ಈಗಾಗಲೇ ಈ ಕರ್ನಾಟಕ ಯೂನಿವರ್ಸಿಟಿಯ ತಿದ್ದುಪಡಿಯ ವಿಚಾರದಲ್ಲಿ ಪ್ರೊಫೆಸರ್ ಶ್ರೀಕಂಠಯ್ಯನವರೂ ಮತ್ತು ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪನವರೂ ಅನೇಕ ಅಂಶಗಳನ್ನು ಉದಾಹರಿಸಿ ಇದನ್ನು ವಿರೋಧ ಮಾಡಿದ್ದಾರೆ. ಆದರೆ ಮಾನ್ಯ ಕೊಠಾವಳೆಯವರು ಕೆಲವು ವಿವರಣೆಗಳನ್ನು ಕೊಟ್ಟು ಇದು ಸರಿಯಾಗಿದೆ ಎಂದು ತಿಳಿಸಿದ್ದಾರೆ. ಈ ವಿಚಾರದಲ್ಲಿ ನನ್ನ ಟೀಕೆಯಾದರೂ ಇಷ್ಟೆ: ಕಾಂಗ್ರೆಸ್ಸಿನವರು ತಮಗೆ ತಿಳಿಯದೆ ಇರತಕ್ಕ ಬಾಬುಗಳಲ್ಲಿ ಅದರಲ್ಲೂ ವಿದ್ಯಾಭ್ಯಾಸವಲ್ಲಿ ಏತಕ್ಕೆ ಕೈಹಾಕುತ್ತಿದ್ದಾರೆ ಎಂದು. ಅವರು ಎಲ್ಲೆಲ್ಲಿ ಕೈಹಾಕಿದ್ದಾರೋ ಅಲ್ಲೆಲ್ಲಾ ಆ ಭಸ್ಮಾಸುರ ಕೈ ಹಾಕಿದಂತಾಗಿದೆ, ಎಲ್ಲಾ ಸರ್ವನಾಶ ಇವರು ಎಲ್ಲೆಲ್ಲಿ ಕೈ ಹಾಕಿದ್ದಾರೋ ಅಲ್ಲೆಲ್ಲಾ ಸರ್ವನಾಶ ವಾಗಿದೆ. ಡಾ. ಪಾವಟೆಯವರು ಒಬ್ಬ ಒಳ್ಳೆಯ ಎಜುಕೇಷನಿಸ್ಟ್. ಅವರಿಗೆ ರಾಜಕೀಯದಲ್ಲಿ ಏನೂ ಅನುಭವವಿಲ್ಲ. ಅಂಥವರನ್ನು ವಿದ್ಯಾಭ್ಯಾಸದ ರೆಸಿನಿಂದ ಕರೆತಂದು ಅವರನ್ನು ರಾಜಕೀಯಕ್ಕೆ ಎಳೆದುಕೊಂಡು ಹೋಗಿ ಪಂಜಾಬಿನಲ್ಲಿ ಇಟ್ಟರು. ಅವರಿಗೆ ರಾಜಕೀಯದ ಗಂಧವೇ ಗೊತ್ತಿಲ್ಲ. ಅವರು ಇಲ್ಲಿಯವರೆಗೂ ಆ ಕರ್ನಾಟಕ ಯೂನಿವರ್ಸಿಟಿಯನ್ನು ಬಹಳ ಚೆನ್ನಾಗಿ ಬೆಳೆಸಿಕೊಂಡು ಬಂದಿದ್ದರು. ಅದನ್ನು ಈಗ ತಪ್ಪಿಸಿ ಅವರನ್ನು ಪಂಜಾಬಿಗೆ ಕಳಿಸಿ, ನ್ಯಾಯವಾಗಿ ಆ ಸ್ಥಾನಕ್ಕೆ ಬರಬೇಕಾಗಿದ್ದ ಹಾಗೂ ಅರ್ಹರಾಗಿದ್ದ ಡಾ: ಸಿದ್ದಪ್ಪನವರನ್ನು ಆ ಸ್ಥಾನಕ್ಕೆ ತರಬಾರದೆಂದು ಈ ಒಂದು ಆರ್ಡಿನೆನ್ಸನ್ನು ಹೊರಡಿಸಿದ್ದರು; ಇದು ಸರಿಯಾದದ್ದಲ್ಲ ಎಂದರೆ ತಪ್ಪಾಗುವುದು. ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆರ್ಡಿನೆನ್ಸುಗಳನ್ನು ಮಾಡಿದ್ದಾರೆ.—ಇಲ್ಲಿ or other causes ಎಂಬ ಶಬ್ದಗಳನ್ನು ವ್ಯಾಖ್ಯಾನ ಮಾಡುತ್ತಾ ಡಾ|| ಸಿದ್ದಪ್ಪನವರು ಆ ಸ್ಥಾನದಲ್ಲಿದ್ದರೆ ಚುನಾವಣೆಯಲ್ಲಿ ಅವರು ತಮ್ಮ ಪ್ರಭಾವವನ್ನು ಬೀರಬಹುದೆಂಬ ಸಂಶಯದಿಂದ ಆ ಚುನಾವಣೆಗಳನ್ನು ಮೂರು ತಿಂಗಳು ಇದೆ ಎನ್ನುವಾಗ ಈ ಒಂದು ಆರ್ಡಿನೆನ್ಸನ್ನು ಹೊರಡಿಸಿ ಅವರನ್ನು ಅಲ್ಲಿಂದ ತೆಗೆದುಹಾಕುವ ಉದ್ದೇಶ ದಿಂದಲೇ ಇದನ್ನು ಮಾಡಿದ್ದಾರೆ ಎಂಬುದು ಇಲ್ಲಿ ಎದ್ದು ಕಾಣುತ್ತಿದೆ. ಹೀಗೆ ಈ ಹಿಂದೆ ಇವರು ಆ ಸಹಕಾರಶತ್ವದಲ್ಲಿ ಕೈಹಾಕಿದರು ಅದು ಸರ್ವನಾಶವಾಯಿತು. ಈಗ ಶಿಕ್ಷಣ ಕ್ಷೇತ್ರದಲ್ಲಿ ಕೈಹಾಕುವುದಕ್ಕೆ ಹೊರಟಿದ್ದಾರೆ. ಇದೂ ಕೂಡ ನಾಶವಾದಂತೆಯೆ. ಆದುದರಿಂದ ನಾನು ಇವರಿಗೆ ಹೇಳುತ್ತಿರುವುದು ಇಷ್ಟೆ: ನೀವು ಎಲ್ಲಿ ಕೈಹಾಕಿದರೆ ಅಲ್ಲಿ ಅದು ಸರ್ವನಾಶವಾಗುತ್ತದೆ, ಹೀಗೆ ದೇಶವನ್ನು ಸರ್ವನಾಶಕ್ಕೆ ಗುರಿಮಾಡಬಾರದು ಎಂದು. ಈ ಹಿಂದೆ ಮಾತನಾಡಿದ ಮಾನ್ಯ ಸಿದ್ದವೀರಪ್ಪನವರು ಒಂದು ಸೂಚನೆಯನ್ನು ತಂದು ಇದನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಟೀಕೆ ಮಾಡಿದ್ದಾರೆ. ಈ ವಿಚಾರದಲ್ಲಿ ಹೆಚ್ಚು ಪ್ರಾಣತೆಯನ್ನು ಪಡೆದುರಕ್ಕೆ ಶ್ರೀಮಾನ್ ಶ್ರೀಕಂಠಯ್ಯನವರು ಇದು ಸರಿಯಾದದ್ದಲ್ಲ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇನ್ನಾದರೂ ಸರ್ಕಾರದವರೂ ತಮ್ಮ ಕಾಂಪಿಟೆನ್ಸಿಗೆ ಒಳಪಡದ ವಿಚಾರಗಳಿಗೆ ಕೈಹಾಕುವುದೆಂದು ಹೇಳಿ ನಾನು ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri DIGAMBAR RAO B. KALMANKAR.—Mr. Speaker, Sir, while opposing the Bill which is before the House and supporting the resolution moved by the Hon'ble Member Sri Siddaveerppa, I make a submission in this respect. What I feel is that this particular ordinance that was promulgated and which has come in the shape of

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the Bill before this House, is redundant. It is not at all required because the permanent vacancy or temporary vacancy as has been tried to be defined before this House are not at all found anywhere in the Act. One more thing that has to be taken into consideration is that the Vice-Chancellor's Office is for a period of 3 years. So, that period itself is not a very long one. Secondly, sub-section (3) of section 10 says :

> "(3) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause..."

'Other cause' has been very clearly explained by Hon'ble Member Sri Kothawale. 'Other causess means such causes as temporary residence abroad or going out or illness. There is nothing to show that it contemplates only such things. There may be some causes including the cause of resignation. But the statement of objects and reasons given here do not show what were the causes that necessitated for thinking in terms of appointment of a Vice-Chancellor. This was not necessary in view of the fact that under sub-section (3) a Dean also could act for the time being. The period was very short. As was rightly suggested by Sri Siddaveerappa, there was nothing but an attempt made by the Treasury Benches to bring politics into the appointment of a Vice-Chancellor. There is no provision in the Act to appoint temporary Vice-Chancellor. When in the Act itself there is no distinction made between temporary and permanent Vice-Chancellor, I fail to understand how this temporary Vice-Chancellor comes into the picture. So sub-section (3A) is not necessary in view of sub-section (3) wherein "other cause" can cover such exigencies also. It is said in the explanatory statement thus :

> "A vacancy in the office of the Vice-Chancellor of the Karnatak University occurred due to the resignation of the Vice-Chancellor. The formalities required to be observed under Section 10 to fill up the temporary vacancy would involve considerable time."

No doubt under Section 10 of the Act, there is procedure for election. But the office of the Vice-Chancellor could not be left vacant. But temporary Vice-Chancellor is not contemplated. Whereas under Sub-Section 3, a Dean could act for any period and he has been functioning also in the past. There was no necessity for this Bill to bring in this amendment to overlap sub-section (3). So, my submission is that this Bill may not be accepted.

†SRI S. R. KANTHI.—Sir, I have very carefully heard the arguments advanced by my friends on the other side. They have confused the main issue. The issue is whether there is a temporary vacancy or a permanent vacancy. If it is a temporary vacancy' the person who administers business himself, will come back and join duty. If it is a permanent vacancy, he does not come back. So, a temporary vacancy

cannot be a permanent vacancy and a permanent vacancy cannot be a temporary vacancy. They have relied on the words "other causes" in sub-section (3) of section 10. I can explain this by saying that other causes giving rise to a temporary vacancy.

Sri L. SRIKANTIAH.—"Where any vacancy".....

Sri S. R. KANTHI.—Sir, 'any' does not mean a permanent vacancy. Any temporary vacancy means, it may be this type or that type of a temporary vacancy. It may be by reason of leave or illness or by reason of the person going out of the country. Supposing the other cases like resignation or death do not give rise to temporary vacancy but a permanent vacancy and section 10 (3) does not apply. That is why it was felt necessary to make a provision for permanent vacancy.

Sri V. N. PATIL.—Is it defined in the Act?

Sri S. R. KANTHI.—It is a lacuna. It was never thought of that there would be a permanent vacancy. Death occurred in the case of Mysore University Vice-Chancellor and Bangalore University Vice-Chancellor and a permanent vacancy occurred in the case of Karnataka University.

Sri H. SIDDAVEERAPPA.—A permanent vacancy for a temporary eriod.

Sri S. R. KANTHI.—No, there cannot be a permanent vacancy for a temporary period. Either there is a temporary vacancy or a permanent vacancy. It has been examined by the law authorities and they have come to the conclusion that a temporary vacancy cannot be a permanent vacancy or *vise versa*. This is not in the case of Karnatak University alone but in Bangalore University also we had to take such a course. So, we had to issue an Ordinance. Sri Siddaveerappa said that we prorogued the House and we issued the Ordinance. The House was not prorogued for this purpose. It had already been prorogued and the situation arose. The person was to leave on the 15th of October and it was not possible for the University to elect a new Vice-Chancellor before that date. Actually, Sir, the election took place on the 3rd of December. In the month of November the Syndicate made a panel of three names. As you see, it would not be possible and for this short period we had to make a provision and there was no power under the Act. That is why this order has been issued and with the best of intention. My hon. friend Sri Siddaveerappa says that I took part in the election. Sir, I am not a member of the Karnataka University at all; neither of the Senate nor the Syndicate. As human being, as a person coming from that area, I have my own likes and dislikes.

Sir, my proposal was that a highest placed man from Mysore should take charge of the office of the Vice-Chancellor—a person about whom there would not be two opinions. I proposed that such a man should be placed there and I also pointed out such a person. But, it was not accepted. That is a different matter. I have no difference between the old Mysore and the new

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Mysore. That is why this Ordinance was issued and it was issued with the best of intentions because if we had to wait till the meeting of the Assembly, it would take still more time.

Sir, there was a personal allegation against me that I personally took part in the elections. I have been here and I have not gone out. If the hon. members, on the other hand, say that I was liking a certain candidate, that does not mean that I interfered. My support was only moral support and not material support. Therefore, hon. members need not have any impression that I actually went there and canvassed. My support to a certain candidate was merely moral and if the person for whom I had my moral support has been elected, he has been elected out of his own merit and I do not think it has to do anything with this present Bill. It need not have been brought out here.

Sri H. SIDDAVEERAPPA.—Sir, now the period of the present Senate and Syndicate is not three years; it is something else.

Sri S. R. KANTHI.—Sir, the period of the Senate and Syndicate is five years. The period of a Vice-Chancellor is three years. There is a suggestion by my friend that the period of the Senate, Syndicate and that of the Vice-Chancellor should be co-terminus. I personally in principle agree with him.

Mr. SPEAKER.—I have to put the resolution to the House first.

The question is:

"That this House disapproves the Karnatak University (Amendment) Ordinance, 1967."

The Resolution was negatived.

The question is:

"That the Karnatak University (Amendment), Bill 1967, be taken into consideration."

Those that are in favour will say 'Aye'

Those that are against will say 'No'

I think the Ayes have it.

Sri DIGAMBARA RAO B. KALMANKAR.—I press for division.

(The Division bell was rung)

Mr. SPEAKER.—The question is:

"That the Karnatak University (Amendment) Bill, 1967, be taken into consideration."

Those that are in favour will say 'Aye'

Those that are against will say 'No'

I think the Ayes have it.

Sri B. P. GANGADHAR.—I press for division.

(The Division was taken by requesting the members for and against to stand in their seats).

Mr. SPEAKER.—Result of voting was: AYES 57 and NOS 37. The Ayes have it.

The motion was adopted.

CLAUSES

Mr. SPEAKER.—The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—The question is:

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri S. R. KANTHI.—I move:

"That the Karnatak University (Amendment) Bill, 1967 be passed."

Mr. SPEAKER.—The question is:

"That the Karnatak University (Amendment) Bill, 1967, be passed."

The motion was adopted.